

REMARKS/ARGUMENTS

Claims 1-8 are pending herein. Claims 3 and 4 have been amended to address matters of form.

1. The rejection of claims 3 and 4 under §112, second paragraph are noted, but deemed moot in view of the rewritten claims submitted above.
2. Claims 1-8 were rejected under §102(b) over Wischerop. This rejection is respectfully traversed.

Claim 1 recites a stuck state detection seal comprising a sealing base member to be stuck to an article and a sealing surface member to be stuck to the article being overlapped on the sealing base member. Stuck state detection means for detecting a stuck state between the sealing base member and the sealing surface member and for generating a stuck state signal that represents the detected stuck state, and a stuck state signal transmission means for transmitting the stuck state signal, are provided between the sealing base member and the sealing surface member.

Advantageously, the stuck state detection means detects the stuck state of the sealing surface member to the sealing base member. This allows for an immediate discovery of any unauthorized peeling of the sealing surface member from an article. This feature, among others, is not disclosed in Wischerop.

First, Applicant respectfully disagrees with the Examiner's assertion that the enclosure 50 of Wischerop corresponds to the sealing base member and that the removable tack 52 of Wischerop corresponds to the sealing surface member, as neither is disclosed to be "sealing" members. However, to avoid confusion, the enclosure 50 will be referred to as the alleged base member 50 while the removable tack 52 will be referred to as the alleged surface member 52.

Wischerop discloses, in Fig. 3, an RFID tag 28 that attaches to an article using an alleged surface member 52 that pierces the article and extends into an alleged base member 50. The alleged surface member 52 is then retained against the alleged base member 50 using a clamping mechanism 58. According to Fig. 6 and column 8, line 17 to column 9, line 12, the alleged surface member 52 can only be removed once an

RFID chip 64, located entirely in either the alleged base member 50 or the alleged surface member 52, is interrogated and properly identified as being attached to an article currently being sold. If an RFID tag 28 that cannot be identified is placed in a proper removal apparatus, a warning is actuated 128. If the RFID tag 28 is properly identified and is placed in a proper removal apparatus, a probe is actuated 124 releasing the alleged surface member 52. Accordingly, a proper removal apparatus is required to produce a warning relating to the unauthorized removal of the RFID tag 28 disclosed in Wischerop.

The design of the RFID tag 28 shown in Fig. 3 of Wischerop fails to disclose a stuck state detection means provided between the alleged base member 50 and the alleged surface member 52 that would provide a warning if the RFID tag 28 is removed from an article in an unauthorized manner. As shown in Fig. 3, the RFID chip 64 is placed entirely within the alleged base member 50 or the alleged surface member 52. Furthermore, there are no contacts disclosed between the alleged base member 50 and the alleged surface member 52 that would signal when the alleged surface member 52 is removed in an unauthorized manner. Apparently, Wischerop believes that the only possible method of removing the RFID tag 28 includes the use of a proper removing apparatus and, therefore, did not envision or disclose the possibility of separating the alleged base member 50 from the alleged surface member 52 without such apparatus. Accordingly, Wischerop does not disclose the beneficial feature of having the RFID tag 28 detecting the attachment of the alleged surface member 52 and signaling the attachment so that any unauthorized removal would be immediately detected. Therefore, Wischerop fails to disclose a stuck state detection seal having a stuck state detection means and a stuck state signal transmission means provided between a sealing base member and a sealing surface member, as recited in claim 1. Since claims 2-8 depend either directly or indirectly from claim 1, claims 2-8 are also believed to be allowable over the applied art.

For at least the foregoing reasons, Applicant respectfully submits that all pending claims herein define patentable subject matter over the art of record. Accordingly, the

Examiner is requested to issue a Notice of Allowance for this application in due course.

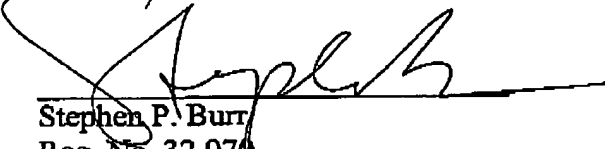
Applicant would like to note for the record that the corresponding Japanese application has been granted with claims similar to those in the present application.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

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Date

Respectfully submitted,


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